

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

EDMUND G. BROWN JR., et. al.,

Defendants.

C 94-2307 CW

**PROTECTIVE ORDER REGARDING
DISCLOSURE OF DEFENDANTS'
EMPLOYEES' PERSONNEL
INFORMATION**

Any documents containing personnel information produced or reviewed under the August 22, 2012 order (Docket No. 2180) are subject to the Protective Order as follows:

1. All personnel information obtained in this action shall be regarded as confidential and subject to this Protective Order.
2. Personnel information may be disclosed only to:
 - a. counsel of record;
 - b. paralegals, attorneys, and stenographic, clerical and secretarial personnel employed by counsel of record;

- c. the Court-appointed expert witness, Court personnel, and stenographic reporters engaged in proceedings in this action; and
 - d. any outside expert or consultant retained by the parties.
3. Defendants shall designate in good faith any information believed to be personnel information. The criteria for such a designation shall be whether Defendants believe in good faith that the information is entitled to protection from disclosure under California state law, including but not limited to confidential employment records of Defendants' employees.
 4. Each outside expert or consultant retained by the parties to whom disclosures of personnel information is made shall, prior to the time of the disclosure, be informed and agree in writing that the documents and information shall not be disclosed except as provided herein.
 5. At the conclusion of an investigation or dispute arising under the August 22, 2012 Order, Plaintiffs shall return to Defendants all personnel information, including copies, provided by Defendants in connection with that investigation or dispute.
 6. At the conclusion of this litigation, any personnel information, including copies, that remains in Plaintiffs' possession shall be returned to Defendants.
 7. Any person or entity who receives personnel information and documents under this Protective Order shall only use it in this litigation and not for any other purpose, including other litigation.
 8. Any personnel information or documents filed with the Court shall be filed under seal, labeled with a cover sheet bearing the case name and number along with the following statement: "This document is subject to a protective order issued by the Court and shall not be copied or examined except in compliance with that order." Documents so labeled shall be kept by the Clerk of the Court under seal and shall be made available only to the Court, the Court-appointed expert witness, or counsel. If the filing party

1 fails to file personnel information under seal, any party may request that the Court
2 place the document under seal.

3 9. No person who has been afforded access to personnel information shall disclose or
4 discuss the information, including the identification, location or disciplinary status and
5 history of any staff member, to or with any person except in accordance with this
6 Protective Order.

7 10. Nothing in this Protective Order is intended to prevent officials or employees of the
8 State of California or other authorized government officials from having access to
9 personnel information to which they have access in the normal course of their official
10 duties.

11 11. The provisions of this Protective Order are without prejudice to any party's right to 1)
12 apply to the Court for a further protective order relating to any personnel information
13 or relating to discovery in this litigation; 2) apply to the Court for an order removing
14 personnel information from any documents; 3) apply to the Court for an order
15 removing the designation of personnel information made by Defendants from a
16 document; 4) object to a discovery request; or 5) apply to the Court to modify or
17 rescind this Protective Order.

18 12. The provisions of this Protective Order shall remain in full force and effect until
19 further order of this Court.

20 **IT IS SO ORDERED.**

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22 Dated: 12/5/2012

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24 CLAUDIA WILKEN
25 Chief United States District Judge
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